

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket # 07-AP-2

**The proposed annexation of territory
in Vergennes Township to the City of Lowell,
Kent County.**

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

SUMMARY OF PROCEEDINGS

1. On February 20, 2007, a petition designated as Docket #07-AP-2 was filed with the State Boundary Commission requesting the annexation of certain territory in Vergennes Township to the City of Lowell, as described in Attachment A.
2. On September 20, 2007, at an adjudicative meeting, the State Boundary Commission examined the petition for legal sufficiency. The Commission voted unanimously to determine the petition as legally insufficient.
3. On January 17, 2008, at an adjudicative meeting, the State Boundary Commission unanimously adopted this Summary of Proceedings, Findings of Fact and Conclusions of Law on the rejection of legal sufficiency for Docket #07-AP-2.

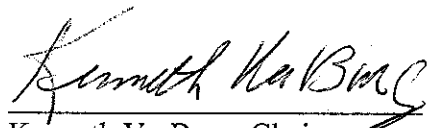
FINDINGS OF FACT

1. The Part I map does not label the territory proposed for annexation to the City of Lowell.
2. The limits of the City of Lowell, Lowell Township, Vergennes Township, and a stream that traverses the territory proposed for annexation are not shown on the Part I map as required by Commission Rule 25.

3. The petition contains affidavits that authorize DuRay Development, L.L.C. to act as agent for the subject property owners. However, no documentation was submitted to indicate that Mr. Munger is authorized to act on behalf of DuRay Development, LLC. Mr. Robert Munger signed Part IV of the petition.
4. The documents submitted in this petition are copies of the same documents that were filed by Mr. Robert Munger in Docket #04-AP-4, a petition that was denied for annexation by an Order dated March 2, 2007.
5. The petition contains two separate "Affidavit of Agent" documents. One affidavit is signed by James B. Cook, Jr., and the other is signed by Berdie Lou Cook. These individuals are identified in the petition as husband and wife, and the owners of the property identified in the quit claim deeds that describe the territory proposed for annexation. The documents and signature pages submitted in Docket #07-AP-2 are copies of the original documents that were submitted in Docket #04-AP-4. During the proceedings on Docket #04-AP-4, Mr. Cook passed away.
6. In April 2007, the Commission Office received correspondence from Mr. Thomas Hoffman, the attorney representing Berdie Lou Cook as an individual and in her capacity as a trustee. Mr. Hoffman's written communication notifies the Commission that DuRay Development, L.L.C. no longer has legal interest in the 177 acres, and that DuRay Development, L.L.C. had until March 31, 2007 in which to close on its purchase of the subject property.
7. In April 2007, the petitioner contacted the Commission Office inquiring on the status of scheduling his petition for legal sufficiency. When commission staff inquired of Mr. Munger as to his relationship with the Cook family, based upon the aforementioned letter from Mr. Hoffman, Mr. Munger requested that consideration of legal sufficiency be postponed so that he could have time to resolve the legal matters with the Cook family regarding the purchase of their property. The Commission chairman granted the petitioner's request.
8. The copy of the quit claim deed for Parcel #2, dated January 20, 2004, does not contain a recorded stamp of the County Register of Deeds. Based upon Boundary Commission Rule 25, a request was made to the petitioner to provide a recorded copy. As of the meeting on legal sufficiency, this supplemental evidence had not been submitted for the record.

CONCLUSIONS OF LAW

1. The Findings of Fact in this docket support the unanimous decision of the Commission to reject this petition for legal sufficiency on the basis that it fails to conform to the Boundary Commission Act and the Boundary Commission Administrative Rules.
2. Pursuant to Section 8 of 1968 PA 191, as amended, the Commission shall transmit a copy of this Summary of Proceedings, Findings of Fact and Conclusions of Law to the petitioner. A copy will also be transmitted to the clerks of the City of Lowell, the Township of Vergennes, and the County of Kent.


Kenneth VerBurg, Chairman

January 17, 2008

ATTACHMENT A

Part of the West one-half of the Southeast one-quarter and part of the North one-half of Section 34, Town 7 North, Range 9 West, Vergennes Township, Kent County, Michigan, described as: BEGINNING at the South one-quarter corner of said Section 34; thence North $00^{\circ}12'24''$ East 2639.31 feet along the North-South one-quarter line to the center of said section; thence North $89^{\circ}49'15''$ West 2537.52 feet along the East-West one-quarter line to the East right of way line of Alden Nash Avenue; thence Northerly 102.69 feet along said right of way line on a 5688.88 foot radius curve to the left, the chord of which bears North $00^{\circ}41'51''$ East 102.68 feet; thence North $00^{\circ}10'49''$ East 665.64 feet along said East right of way line; thence North $89^{\circ}46'51''$ East 1220.28 feet; thence North $00^{\circ}10'49''$ East 1373.13 feet; thence North $89^{\circ}46'51''$ East 172.07 feet; thence North $05^{\circ}29'29''$ East 199.70 feet; thence North $08^{\circ}04'41''$ East 130.80 feet; thence North $12^{\circ}05'19''$ East 165.54 feet to the North section line; thence North $89^{\circ}46'51''$ East 1074.95 feet along the North section line to the North one-quarter corner; thence South $00^{\circ}12'27''$ West 2436.93 feet along the North-South one-quarter line to a point being 212.05 feet North of the center of said section; thence South $44^{\circ}48'49''$ East 475.77 feet; thence South $89^{\circ}49'29''$ East 987.89 feet parallel with and 124.43 feet South of the East-West one-quarter line; thence South $00^{\circ}18'03''$ West 2519.32 feet along the East line of the West one-half of the Southeast one-quarter of said section; thence North $89^{\circ}37'57''$ West 1320.29 feet along the South section line to the place of beginning.

Subject to oil and gas leases of record.

177.05 acres